IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:)	
Thomas M. GOLNER et al.)	Group Art Unit: 2832
Application No.: 10/017,381)	Examiner: Tuyen T. Nguyer
Filed: December 18, 2001)	
For: APPARATUS AND METHOD FOR)	
CONTROLLING THE TEMPERATURE OF THE)	
CORE OF A SUPER-CONDUCTING TRANSFORM	(ER)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In reply to the Restriction Requirement mailed June 21, 2005, the period for response being extended by the attached Petition of Time, Applicants hereby provisionally elect Group I (claims 1-8). This rejection is made with traverse.

It is respectfully submitted that the subject matter of claims 1-8 is sufficiently related to claims 9-16 (Group II) and claims 17-21 (Group III), that a thorough search for the subject matter of Group I claims would necessarily encompass a search and examination of the entire application without any serious burden. Specifically, and equivocally, MPEP § 803, clearly states that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added.)

Therefore, it is respectfully submitted that this policy should adhere in the present application to avoid unnecessary delay and expense to the Applicants in duplicative examination Docket No. 87304.1860 Patent

by the Patent Office. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the restriction requirement, and to examine all of the claims in this application.

Please charge any fee deficiency or credit any overpayments to deposit account number 52-2036.

Respectfully submitted,

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Dated: July 25, 2005